

BOARD OF TRUSTEES

Meeting Agenda

Wednesday, October 11, 2017

Regular Board Meeting -2:00 pm

Laidlaw Center Boardroom, #143

237 W. Kellogg Road, Bellingham, WA 98226

MEMBERS:

- **Tim Douglas,**
Chair
- **John Pedlow,**
Vice Chair
- **Steve Adelstein**
- **Barbara Rofkar**

If you are a person with a disability and require an accommodation while attending the meeting, please contact the President's Office at 383-3330 (or TDD 647-3279) as soon as possible to allow sufficient time to make arrangements.

NEXT MEETING REMINDER

November 8, 2017

- I. Call to Order & Approval of Agenda, and Notice of Public Comment Time
- II. Strategic Conversation
 - CIS/Cybersecurity Program Updates – Corrinne Sande, Director for CIS Program
 - ❖ ***Cybersecurity Center Dedication Ceremony following the board meeting at 4:30 pm.***
- III. Consent Agenda Tab 1
 - a. Minutes of September 20, 2017 Board of Trustees Meeting (Attachment A)
 - b. Proposed 2017 Summer Graduates (Attachment B)
- IV. Action Item Tab 2
 - Proposed changes to Policy 620 Student Rights and Responsibilities (first reading, possible action) – Luca Lewis, Vice President for Student Services
- V. Report from the President
- VI. Reports Tab 3
 - ASWCC – Lauren Besthoff
 - WCCFT – Tran Phung, President
 - WFSE – Carolyn Jovag, Representative
 - Administrative Services –Vice President Nate Langstraat
 - Student Services –Vice President Luca Lewis
 - Instruction – Vice President Ed Harri
 - Advancement/Foundation – Sue Cole, Executive Director
- VII. Discussion / Items of the Board
- VIII. Executive Session*
- IX. Public Comment
- X. Adjournment

*The Board of Trustees may adjourn to an Executive Session to discuss items provided for in RCW 42.30.110 (1):

- (b) to consider the selection of a site or the acquisition of real estate by lease or purchase...;
- (c) to consider the minimum price at which real estate will be offered for sale or lease...;
- (d) to review negotiations on the performance of a publicly bid contract...;
- (f) to receive and evaluate complaints or charges brought against a public officer or employee...;
- (g) to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee...; or as provided in RCW 42.30.140 (4)(a), to discuss collective bargaining
- (h) to evaluate the qualifications of a candidate for appointment to elective office...;
- (i) to discuss with legal counsel representing the agency matters relating to agency enforcement actions... or... litigation or potential litigation...



CONSENT AGENDA

- a. Minutes of September 20, 2017 Board of Trustees Meeting (Attachment A)
- b. Proposed 2017 Summer Graduates (Attachment B)

SUGGESTED RESPONSE

The chair reads out the letters of the consent items. Then the chair states: "If there are no objections, these items will be adopted". After pausing for any objections, the chair states, "As there are no objections, these items are adopted."

Whatcom

COMMUNITY COLLEGE

MINUTES
BOARD OF TRUSTEES MEETING
Laidlaw Center Board Room
Wednesday, September 20, 2017
2:00 p.m.

- **CALL TO ORDER** Chair Tim Douglas officially called the Board of Trustees meeting to order at 2:00 p.m. Present in addition to the chair were trustees Barbara Rofkar, Steve Adelstein, and John Pedlow, constituting a quorum. Others present included President Kathi Hiyane-Brown; Ed Harri, Vice President for Instruction; Nate Langstraat, Vice President for Administrative Services; Luca Lewis, Vice President for Student Services; Sue Cole, Executive Director for Institutional Advancement; Melissa Nelson, Assistant Attorney General; and Rafeeka Kloke, Special Assistant to the President.

ACTION TO ACCEPT AGENDA

- Trustee Adelstein moved to accept the agenda. It was seconded by Trustee Pedlow and the **motion was approved.**
- Chair Douglas announced that there is a designated time for public comment on the agenda.

INTRODUCTION

- For the second year in a row, Whatcom Community College was recognized by Combined Fund Drive for having the highest percentage of participation by a community college. Jennie Sabine and Laurie Starr were recognized for their leadership as co-chairs of the CFD Committee. This year's All College Day luncheon raised over \$1600; with \$1400 of it designated for the Orca Food Pantry.
- Amy Anderson, Director for K12 Partnership, Guava Jordan, Faculty (ABE), and Jason Babcock, Director for Learning Center provided an overview of the Equity Project. This year the theme is 'Introduction to Social Justice'. A number of activities were scheduled throughout the year

including OneBook reading and canvas conversations, Bento Box workshops, and a speaker series. The group expressed appreciation for college leadership for investing in the project.

STRATEGIC CONVERSATIONS

- ➔ Proposed 2017-2022 Whatcom Community College Strategic Plan Update - Ed Harri, VP for Instruction

Ed Harri discussed the process in development of the draft plan and the involvement of campus community and the larger community. Each of the core themes –Achieving Success, Building Community, Advancing Equity, and Enhancing Effectiveness – were briefly discussed.

Next steps included:

- Make final revisions to full document, including institutional highlights and progress
- Finalize 2017-19 college work plan using new strategic plan core themes and objectives
- Identify mission fulfillment indicators for accreditation process and annual college reporting
- Inform Northwest Commission on Colleges and Universities (NWCCU) of new core themes
- Update publications and communications materials.

Chair Douglas stated that he is pleased with the process of developing the strategic plan which included opportunities for campus community, the larger community, and board input.

CONSENT AGENDA

- ➔ **Consent Agenda**

a. Minutes of the August 17-18, 2017 Board of Trustees Retreat (Attachment A)

Chair Douglas stated: “If there are no objections, this item will be adopted.” As there were no objections, **this item was adopted.**

ACTION ITEM

➔ **Proposed 2017-2022 Whatcom Community College Strategic Plan (first reading, possible action) – Ed Harri, VP for Instruction**

Trustee Rofkar moved to approve the proposed 2017-2022 Whatcom Community College Strategic Plan. It was seconded by Trustee Pedlow and the **motion was unanimously approved.**

PRESIDENT'S REPORT

- ➔ President Kathi shared the All College Day program and Opening Week schedule with Board members. She noted majority of the sessions were conducted by faculty and staff.
- ➔ With recent announcement by the Administration to end the DACA program, two informational sessions were scheduled. A student panel shared personal stories and staff provided information on resources available on campus and in the community to support DACA students.
- ➔ This year's Classified Excellence Award recipient is Willy Grimes. Willy has been an employee at the College for 14 years.
- ➔ President Kathi recently did a welcome for first year nursing students. Students shared that they selected to come to Whatcom because of our graduates' national exam pass rates, the challenging curriculum, and the College's reputation.

REPORTS

- ➔ **ASWCC** – Lauren Besthoff, President
 - Student leaders are hosting the Welcome Back BBQ and invite all of campus and trustees to participate.
 - The first meeting of Student Senate is scheduled on October 9.

➔ **Student Services – Luca Lewis, Vice President**

- Six Whatcom WAVEs were scheduled. This year, both running start students and EDPL students were integrated into Whatcom Wave.

➔ **Advancement/Foundation Office – Sue Cole, Executive Director**

- Sue Cole gave each trustee an Orca Food Pantry bag. Recently, the Food coop donated 2% of gross proceeds on a Saturday to the Orca Food Pantry.
- The foundation completed a feasibility study on a capital campaign. The study showed positive responses from our community. Foundation is preparing for a campaign launch next year.

DISCUSSION ITEMS OF THE BOARD

➔ **WCC Foundation Board**

- Trustee Pedlow will serve as a trustee representative on the Foundation board.

➔ **2017 Transforming Lives**

- Chair Douglas appointed trustees Pedlow and Adelstein to serve on a subcommittee to review nominations for WCC's Transforming Lives student.

➔ **2017 ACCT Leadership Congress**

- Trustee Adelstein will be attending 2017 ACCT Leadership Congress in Las Vegas Nevada.

➔ **DACA Program**

- Trustee Rofkar encouraged members of the board to contact congressional leaders urging them to support a permanent fix for DACA program.
- Trustees Adelstein suggested a letter from the board be sent to our congressional representatives. Staff will prepare a letter for the board's review and approval.

EXECUTIVE SESSION

- At 3:22 p.m. the meeting was adjourned for a closed Executive Session of the Board for approximately twenty minutes to “...review the performance of a public employee...”

Chair Douglas announced that no action was anticipated. Guests included President Kathi Hiyane-Brown, Vice President Luca Lewis, and Assistant Attorney General Melissa Nelson.

The Executive Session adjourned at 3:42 p.m. and the Board reconvened into open session at 3:43 p.m.

PUBLIC COMMENT

- Chair Douglas called for public comment. There was none.

ADJOURNMENT

- There being no further business, the meeting was adjourned at 3:45 p.m.

WHATCOM COMMUNITY COLLEGE

**SUMMER 2017 GRADUATES
AUGUST 18, 2017**

HONORS PROGRAM

KENNETH L. PEEL
SUSAN K. SCOTT

ASSOCIATE IN ARTS AND SCIENCES

ATINUKE N. ALAKA
SARAH K. BOSCH
KODEY BOSMAN
RHIANNON B. BOWEN
KENNEDY T. BRAY
TREVEN S. BREWER
JACOB T. BROWN
CARMINE J. BUONO
CAROLINE E. BURROWS
ANIECEA J. CAMACHO
JACOB CARLOS
SEAN A. CHAMBERS
WANTONG CHU
BAYLEE N. CLIFT
TAMARIA R. COGLIANESE
SYDNEY A. COOK
EMILY M. CORNETT
ABIGAIL L. DEBOER
CHLOE R. DOUD
SAMANTHA L. DOYLE
HANNAH L. EMORY
AMEE A. ENG
KALEB C. ENRIGHT
JESSE T. ERICKSEN
LEAH FERGUSON
XINYU GE
ELISABETH E. GREEN
TYLER K. HANES
GENEVA M. HELMS
MATIJA A. HERCEG

TU HOANG HO
NATHAN M. HUGHES
RILEY J. HUGHES
KOTA IKEO
TAYLOR N. KINNISON
STEPHEN A. KOLODYCHUK
FARREL A. KOMARA
NATALIE A. KURTZ
STEVEN J. KURTZ
KYLE S. LAROCHE
CATRINA N. LATHAM
YA-HSUAN LIN
PHAT D. LUU
ROBERTA J. MARTINELLI
KATELYN A. MCCLOSKEY
BRETT B. MCCOLLOUGH
MADISON A. MCKINLEY
JUSTIN I. MILLER
MATTHEW T. MOELLER
GABRIELLE M. NAVARRO
WESLEY K. ROSALES
HANNAH E. RUTGERS
MORGAN R. SANDERS
MATTHEW R. SMITH
DANIEL A. SNYDER
KATARINA A. STARK
MEGAN E. SWANLAND
JESS D. SWANSON
AMANDA P. THOMPSON
FAITH N. VANDYKE

TATYANA P. VETKOV
DANIEL H. WARG
TABITHA M. WATKINS
YOUYUAN XING

SAM E. WILLIS
GREGORY M. WINDER
LOK-HEI-DENNIS WONG

ASSOCIATE IN SCIENCE TRANSFER

ASHLEY N. HOLMES
ANH THUY TRAM NGUYEN
KENNETH L. PEEL

ASSOCIATE IN BUSINESS DTA/MRP

OLAMIDE A. ASILOKUN	TIMBERLY N. MCKINLEY
SAMUEL H. BLONDHEIM	COLMAN T. MITCHELL
NICOLE L. KENNEY	PAUL PHILLIPS

ASSOCIATE IN APPLIED SCIENCE- TRANSFER CYBERSECURITY

WARREN E. HARRIS	EMERSON D. POWERS
KALEB N. PALMBY	JAMES J. TOPPING

**ASSOCIATE IN APPLIED SCIENCE- TRANSFER
EARLY CHILDHOOD EDUCATION**

JESSICA L. CHRISTIANSEN

ASSOCIATE IN LIBERAL STUDIES

JOSHUA F. BARBO	MARINELL MERCADO
JACQUELINE E. BERNHAGEN	HITANSHI PATEL
CAITLIN M. LAUMER	SAM E. PORRET
DANIEL J. LEA	RUSSELL J. STIPPEL

ASSOCIATE IN ARTS EARLY CHILDHOOD EDUCATION

DANIELLE R. LANGE
KAREN M. LOFGREN

ASSOCIATE IN ARTS VISUAL COMMUNICATIONS

LUDMILA AGEYEV	SARA SAMOUKOVIC
JOYLEEN BRANNON-BARNES	SUSAN K. SCOTT
JOSEPH N. CADERO	CASSANDRA R. SHAHAN
KATRINE A. DOORNBOS	JANNA N. SHAVER
JACLYN F. HOUWELING	YEKATERINA I. SHPORTKO
JENNIFER M. NICHOLS	RACHEL A. SMITH
MARIANA PETRIYENKO	NICKOLAS J. STEWART
ANNA PILAT	

ASSOCIATE IN SCIENCE BUSINESS ADMINISTRATION

COURTNEY M. DUVAL
KEVIN D. FITZGERALD
MONA M. GALINDO

JENNIFER B. HAMILTON
ALICIA L. ZEGER

ASSOCIATE IN SCIENCE COMPUTER INFORMATION SYSTEMS

TIM J. HANSEN

ASSOCIATE IN SCIENCE MASSAGE THERAPIST

KEYNDRA S. MCCORMICK
JACQUELINE K. RUMBLE

ASSOCIATE IN SCIENCE MEDICAL ASSISTING

LINA M. CASTILLO
NADEZHDA B. CHESHEVA
TRINH CHUNPHAKVENN
MARIA L. HALL
ERRIN K. HULL

STEPHANIE C. KOEHLER
CAITLIN M. LAUMER
RENEE C. RUIZ
LOREDANA TEMES
ALLISON M. UмбаUGH

ASSOCIATE IN SCIENCE PARALEGAL STUDIES

ROBERT O. EMDIN

ASSOCIATE IN SCIENCE PHYSICAL THERAPIST ASSISTANT

TODD S. NOTTINGHAM

CERTIFICATE ACCOUNTING

KAREN L. SCHREIBER
TAMME L. SNOW

CERTIFICATE CRIMINAL JUSTICE

FAITH N. VANDYKE

CERTIFICATE HOSPITALITY AND TOURISM MANAGEMENT

KAREN C. PICARD

CERTIFICATE MASSAGE THERAPIST

JAIME J. HERNANDEZ

CERTIFICATE MEDICAL ASSISTING

SARAH B. BROUWER
LINA M. CASTILLO
NADEZHDA B. CHESHEVA
YISENIA E. CUELLAR
ADRIANA D. GONZALEZ

ENRIQUE LAVINESCALANTE
MONICA N. NIZAMULDIN
SARA R. NOLAN
MARIA N. ROSALES
AUDREY WEST

CERTIFICATE NETWORK ADMINISTRATION

RICKIE SALGADO

CERTIFICATE PARALEGAL STUDIES

LEAH J. COOK

HIGH SCHOOL DIPLOMA

JOSHUA F. BARBO
CATHEE J. EAGON
MATIJA A. HERCEG
TU HOANG HO
SARAH KANG
YA-HSUAN LIN
MATTHEW T. MOELLER
MARIANA MOJICA-DELGADO
JONATHAN M. MOORE
ANH THUY TRAM NGUYEN
HITANSHI PATEL
SAM E. PORRET
EMERSON D. POWERS
VIKTORIYA A. SUSHCH
FAITH N. VANDYKE
KI TSUN WONG



Memorandum

To: Whatcom Community College Board of Trustees

From: Dr. Luca Lewis, Vice President for Student Services

Date: October 11, 2017

RE: Recommend Changes to Policy 620

Overview

In accordance with our current Washington Administrative Code, the purpose of the student conduct code and disciplinary procedures is to support the college mission and to assist in the protection of the rights and freedoms of all members of the college community. The Student Rights and Responsibilities (Student Conduct Code) Policy 620 Policy 620 was last amended by the Board of Trustees in January 14, 2014. Substantial changes in policy and practices at both the federal and state levels resulted in substantial changes to Policy 620.

Change Highlights

1. Alignment with the Violence Against Women Act, Campus SaVE Act, Title IX, and WCC's anti-discrimination policy and procedures.
2. Revisions to redundant language, allowing for a clearer understanding of the student adjudication process for students.
3. Clearer language and definitions in addressing behaviors and expectations for WCC students.
4. Implementation of two new sections—Medical Amnesty Policy and Guest Policy.
5. Expanded sanction options.

Recommendation

Move to approve the proposed revisions to Policy 620.

TITLE:	STUDENT RIGHTS AND RESPONSIBILITIES POLICY (STUDENT CONDUCT CODE)
NUMBER:	620
APPROVED BY THE BOARD OF TRUSTEES	6/14/88
AMENDED BY THE BOARD OF TRUSTEES	01/14/14; 09/23/09; 07/11/07; 12/10/02

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WAC 132U-125-001 AUTHORITY. The board of trustees, acting pursuant to RCW 28B.50.140(14), delegates to the president of the college the authority to administer [the disciplinary action procedure](#). Administration of the disciplinary procedures is the responsibility of the vice-president ~~of for~~ student [affairs-services](#) or designee. [Unless otherwise specified, the student conduct officer or designee shall serve as the principal investigator and administrator for alleged violations of this code.](#)

WAC 132U-125-003 PURPOSE. Whatcom Community College, as a state supported institution of higher education, has a primary mission to contribute to the vitality of its communities by providing quality education and preparing students for active citizenship in a global society. Students and college personnel share the responsibility of contributing to a learning environment that promotes academic integrity, social justice, civility, and nonviolence within a safe and supportive college community.

Enrollment in Whatcom Community College carries with it the obligation to be a responsible citizen of the college community and to treat others with respect and dignity. [Each student is expected to abide by All students are](#)

responsible for understanding and complying with college policies and regulations along with local, state, and federal laws. The student conduct code and disciplinary procedures are implemented ~~to to support the college mission and to~~ assist in the protection of the rights and freedoms of all members of the college community. The purpose of the student code is to hold students accountable while upholding their rights and responsibilities.

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WAC 132U-125-005 STATEMENT OF JURISDICTION.

- A. The student conduct code shall apply to student conduct that occurs
 - 1. on college premises;
 - 2. ~~to conduct that occurs~~ at or in connection with college sponsored activities; or
 - 3. to off-campus conduct that, in the judgment of the college, adversely affects the college community or the pursuit of its objectives.
- B. Jurisdiction extends to, ~~but is not limited to,~~ locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training, internships, cooperative and distance education, on-line education, practicums, supervised work experiences, study abroad, or any other college-sanctioned social or club activities.
- C. Students are responsible for their conduct from the time of ~~application for admissions~~ admissions to the college through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The college student conduct officer has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off-campus.
- D. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. ~~The college has sole discretion, on a case by case basis, to determine whether the student conduct code will be applied to conduct that occurs off campus.~~

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WAC 132U-125-010 DEFINITIONS. The following definitions shall apply for purpose of this student conduct code:

- (1) "Business day" means a week-day, excluding weekends and college holidays any day, Monday through Friday (excluding holidays), during which college offices are open.
- ~~(1)~~(2) "College community" shall include any person or entity with a connection or relationship with pursuit of the college mission.
- (3) "College premises" shall include all campuses of the college campus, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, leased, or controlled by the college.
- ~~(2)~~(4) "Complainant" is an alleged victim of sexual misconduct.
- ~~(3)~~(5) "Conduct review officer" is the vice president of for student services or other college administrator designated by the president to be responsible for receiving and for reviewing or referring appeals of student disciplinary actions cases in accordance with the procedures of this code. The president is authorized to reassign any and all of the conduct review officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.
- ~~(4)~~(6) "Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.
- ~~(5)~~(7) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ten (10) business days or an expulsion are heard by the student conduct appeals board. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings.
- ~~(6)~~(8) "Filing" is the process by which a document is officially delivered to received by a college official responsible for facilitating a disciplinary review process. Documents required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official. Unless otherwise provided, filing shall be accomplished by:
 - a) Hand delivery of the document to the specified college official or college officials' assistant; ~~or~~

b) Sending the document by ~~email and~~ first class mail to the specified college official's office; ~~or and college email address~~

c) ~~Emailing the document to specified college official's colleges email address.~~

~~(9)~~ "Guest" any person who is not a member of the college community, who is on institutional property or attending an institutional function that the invitation of and/or hosted by a member of the college community.

~~(10)~~ "Preponderance of evidence" is defined as "more likely than not" and is the standard of responsibility that is used when determining whether a violation of the student rights and responsibilities has occurred.

~~(11)~~ "The president" is the president of the college. The president is authorized to delegate or reassign any and all of his or her their responsibilities as set forth in this Chapter as may be reasonably necessary.

~~(7)~~~~(12)~~ "Reporting Party" is a student or another member of the college community who reports an alleged violation of this code has been committed.

~~(8)~~~~(13)~~ "Respondent" is the student against whom disciplinary action is initiated.

~~(9)~~~~(14)~~ "Service" is the process by which a document is officially delivered to a ~~person party~~. Service is deemed complete upon the hand delivery of the document, or upon the date the document is emailed or post marked by the mail service. Unless otherwise provided, service upon a person shall be accomplished by:

a) Hand-delivery of the document to a person; or

b) Sending the document by email, by certified or first class mail to the person's last known address; or

~~b)c)~~ Emailing the document to the party's official college email address.

~~Service is deemed complete upon the hand delivery of the document, or upon the date the document is emailed or post marked by the mail service~~

~~(10)~~~~(15)~~ "Student" includes all person taking courses at or through the college, whether on a full-time or a part-time basis, and whether such courses are credit courses, non-credit courses, on-line courses, or otherwise.

Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admissions are considered "students."

~~(16)~~ "Student conduct officer" is a college administrator designated by the president or vice president ~~of for~~ student services to be responsible for implementing and enforcing the student conduct code. ~~The president or vice-president of student services is authorized to reassign any and all of the student conduct officer's duties or responsibilities as set forth in this Chapter as may be reasonably necessary.~~

~~(11)~~~~(17)~~ "Student Conduct Code" or "Code" is the student rights and responsibilities policy WAC 132U-125

~~(12)~~ "Summons" is the contact by the college to arrange the disciplinary meeting or hearing. This contact may be by telephone, email, in person, or by certified mail.

WAC 132U-125-015 STATEMENT OF STUDENT RIGHTS. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the college community.

The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy, which are deemed necessary to achieve the education goals of the college:

(1) **Academic freedom.**

- a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.
- b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090(3)(b).

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- c) Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious but are responsible for meeting the standards of academic performance established by each of their instructors.
- d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including sexual harassment.

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(2) Due process.

- a) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.
- b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.
- c) A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

(3) Sexual Misconduct Complainant. In any case involving an allegation of sexual misconduct as defined in this code, a complainant is afforded certain rights under this code including, but not limited to:

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- a) The right to be informed of all orders issued in the disciplinary case in which they are a complainant;
- b) The right to appeal to the student conduct committee an initial order issued by a conduct officer;
- c) The right to request presidential review of an initial order issued by the student conduct committee; and
- d) The right to be accompanied to all hearings by an advisor and/or an attorney.

(3) Student participation in college governance.

- a) Whatcom Community College recognizes the special role that students have in the development and maintenance of student programs.
- b) The college provides opportunities for students to participate in college governance, including the formulation of college policies and procedures relevant to students, through representation by the Associated Students of Whatcom Community College (ASWCC).
- c) Students are also appointed, according to the ASWCC constitution and bylaws, to serve on a variety of college communities.

WAC 132U-125-XXX STUDENT RESPONSIBILITY FOR GUESTS.

Guests and visitors on college property or at official college functions are expected to comply with all college policies and procedures, as well as all applicable local, state, and federal laws and regulations.

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1. Guests who willfully refuse to comply with an order of a college official or other law enforcement officer to desist from prohibited conduct may be ejected from the premises by legal trespass order.
2. Students who invite guests into their college controlled residence, or to official college functions are responsible for the behavior of their guests. As a result, a student may be held responsible for any alleged violations(s) of the code committed by their guest.

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WAC 132U-125-XXX AMNESTY

Students are encouraged to see swift medical assistance for themselves and others without fear of penalty in situations involving use of, or medical issues related to, alcohol or drugs. Students requesting and receiving medical assistance in these situations will not typically be subject to the formal student conduct process. While disciplinary action may not be taken, the college reserves the right to take steps necessary to address health and safety concerns for the individual and the community. This policy refers to isolated incidents and does not excuse students who repeatedly or knowingly violate the alcohol or drug policy, nor does it preclude action arising from other violations of the code. The student conduct officer will consider the positive impact of reporting a situation when determine any course of action.

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Complainants and witnesses who, in good faith, report sexual misconduct will not be subject to alcohol or drug violations of the code occurring at or near the time of the sexual misconduct unless their own conduct placed another person's health or safety at risk.

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WAC 132U-125-020 STUDENT RESPONSIBILITIES AND PROHIBITED CONDUCT PROHIBITED STUDENT CONDUCT.

~~As members of the Whatcom Community College community, students have an obligation to demonstrate academic and personal honesty and integrity. Students are expected to respect individual rights, recognize their impact on others, and take responsibility for their actions.~~

~~Students may be subject to disciplinary actions for any activity that unreasonably disrupts the operations of the college or infringes on the rights of another member of the college community. Students are prohibited from engaging in any unlawful conduct and may be subject to criminal or civil prosecution. The college may apply disciplinary proceedings for student conduct on or off the college premises that, in the judgment of the college, adversely affects the college community or the pursuit of its objectives. The college may carry out these disciplinary proceedings prior to, simultaneous to, or following civil or criminal proceedings in court.~~

The college may impose disciplinary sanctions against a student ~~who found responsible for commits, or aids, abets, incites, encourages or assists committing, attempting to commit, aiding, abetting, inciting, encouraging, or assisting~~ another person to commit, an act(s) of misconduct, which include, but are not limited to the following:

- (1) **Academic dishonesty.** Any act of academic dishonesty, including but not limited to cheating, plagiarism, and fabrication:
 - a) Cheating includes any attempt to give or obtain unauthorized ~~assistance-collaboration~~ relating to the completion of an academic assignment.
 - b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.
 - c) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.
- (2) **Other dishonesty.** ~~Such acts include~~Any other act of dishonesty, including, but are not limited to:
 - a) Forgery, alteration, submission of falsified documents or misuse of any college document, record, or instrument of identification;
 - b) Tampering with an election conducted by or for college students;
 - c) Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college officer or employee.
- (3) ~~Obstruction or disruption~~**Disruptive behavior.** ~~Obstruction or disruption of~~Behavior not otherwise protected by law, that interferes with, impedes, or otherwise unreasonably hinders the following:
 - a) ~~Any~~ instruction, services, research, administration, disciplinary proceedings, or other college ~~activity~~activities, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity; or
 - b) Any activity that is authorized to occur on college property or under college jurisdiction, whether or not actually conducted or sponsored by the college.
- (4) **Assault or intimidation.** ~~Assault~~Unwanted touching, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, ~~stalking~~ or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. ~~For purposes of this paragraph:~~
 - a) ~~(4)~~ Bullying is physical or verbal abuse, repeated over time, and involves a power imbalance between the aggressor and victim.
 - b) ~~Stalking is intentional and repeated following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated or harassed, even if the stalker lacks such intent.~~

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- (5) **Cyber misconduct.** ~~Cyberstalking, cyberbullying or online harassment.~~ Use of electronic communication, including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, ~~sending false messages to third parties~~ correspondence using another's ~~email~~ identity, non-consensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.
- (6) **Property violation.** ~~Attempted or actual damage to, or theft or misuse of, real or personal property or money of~~ Damage to, misappropriation of, unauthorized use or possession of, vandalism, or other non-accidental damaging or destruction of college property or property of another person. Property for the purposes of this subsection includes, but is not limited to, computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college copyrights and trademarks.
- a) ~~The college or state;~~
 - b) ~~Any student or college officer, employee, or organization; or~~
 - c) ~~Any other person or organization, or possession of such property or money after it has been stolen.~~
- (7) **Failure to comply with directive.** Failure to comply with a directive of a college officer or employee who is acting in the legitimate performance of ~~his or her~~ their duties, including failure to properly identify oneself to such a person when requested to do so.
- (8) **Weapons.** ~~Carrying, exhibiting, displaying or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device or any other weapon capable of production bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons. No person or group may use or enter into Whatcom Community College grounds or facilities, owned or leased, while having in their possession firearms or other dangerous weapons, even if licensed to do so. An exception shall be made for commissioned police officers and other law enforcement officers as permitted by law. Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:~~
- a) Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties;
 - b) A student with a valid concealed weapons permit may store a pistol in their vehicle parked on campus in accordance with RCW 9.41.050(2) or (3), provided the vehicle is locked and the weapon is concealed from view; or
 - c) The president may grant permission to bring a weapon on campus upon a determination that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.
 - ~~(d)~~ This policy does not apply to the possession and/or use of legal disabling chemical sprays when possessed and/or used for self defense.
- (9) **Hazing.** Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, ~~to any student.~~
- (10) **Alcohol, drug, and tobacco violations.**
- a) **Alcohol.** ~~The appearance of being observably under the influence of any alcoholic beverage, or otherwise using, possessing, selling or delivering any alcoholic beverage on college premises; with the exception of sanctioned events, approved by the president or designee, and in compliance with state~~

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~~law. The use, possession, sale, or being under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.~~

- b) **Marijuana.** ~~The appearance of being observably under the influence of marijuana or the psychoactive compounds found in marijuana, or otherwise using, possessing, selling or delivering any product containing marijuana~~ The use, possession, or sale of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form, or being under the influence of marijuana or the psychoactive compounds found in marijuana or the possession of drug paraphernalia on college premises. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.
- c) **Drugs.** The use, possession, delivery, sale, or the appearance of being under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in RCW 69.41, or any other controlled substance under RCW 69.50, except as prescribed for a student's use by a licensed practitioner.
- d) **Tobacco, electronic cigarettes, and related products.** The use of tobacco, electronic cigarettes, and related products in any building owned, leased or operated by the college or in any location where such use is prohibited, including twenty-five feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. "Related products" include, but are not limited to cigarettes, pipes, bidi, clove cigarettes, water pipes, hookahs, chewing tobacco, vaporizers, and snuff.

(11) **Lewd conduct.** Conduct which is ~~disorderly, lewd, or obscene~~ obscene, indecent, pornographic and/or lascivious that is not otherwise protected under the law.

(12) **Discriminatory conduct.** ~~Discriminatory~~ Conduct which harms or adversely affects any member of the college community because of race; color; national origin; sensory, mental, or physical disability; use of a service animal; age ~~(40+)~~; religion; creed; gender, including pregnancy; marital status; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(13) **Sexual misconduct.** The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence.

a) **Sexual harassment.** The term "sexual harassment" means unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and /or other verbal, nonverbal, ~~electronic communication, social media,~~ or physical conduct of a sexual nature that is sufficiently serious as to deny or limit, and does deny or limit, based on sex, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members.

~~a) b)~~ **Sexual Intimidation.** The term "Sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex, including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

c) **Sexual violence.** The term "Sexual violence" incorporates the definition of "sexual harassment" and means a physical sexual act perpetrated without clear, knowing, and voluntary consent, such as committing a sexual act against a person's will, exceeding the scope of consent, or where the person is incapable of giving consent, including rape, sexual assault, sexual battery, sexual coercion, sexual exploitation, gender or sex based stalking. The term further includes acts of dating or domestic violence. A person may be incapable of giving consent by reason of age, threat or intimidation, lack of opportunity to object, disability, drug or alcohol consumption, or other cause. is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

i. Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by

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- force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.
- ii. Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breast, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
- iii. Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim’s current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence laws, or anyone else protected under domestic family violence law.
- iv. Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
- v. Stalking means intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.
- vi. Consent means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

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A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct.

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Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

- (14) **Harassment.** Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person’s protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college’s educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person’s race; color; national origin; sensory, mental, or physical disability; use of a service animal; age (40+); religion; genetic information; gender, including pregnancy, marital status; sexual orientation; gender identity; veteran’s status; or any other legally protected classification. See “Sexual Misconduct” for the definition of “sexual harassment.” Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic communications.
- (15) **Retaliation.** ~~Retaliation against any individual for reporting, providing information, exercising one’s rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations or violations of federal, state, or local law, or college policies, including, but not limited to, student conduct code provisions prohibiting discrimination and harassment. Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding.~~
- (16) **Misuse of electronic resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes but is not limited to:

- a) Unauthorized use of such resources or opening of file, message, or other item;
- b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;
- c) Unauthorized use or distribution of someone else's password or other identification;
- d) Use of such time or resources to interfere with someone else's work;
- e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;
- f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;
- g) Use of such time or resources in violation of applicable copyright or other law;
- h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization;
- i) Failure to comply with the college's electronic use policy.

(17) **Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property.

~~(18) Abuse or misuse of college policies or procedures. Abuse or misuse of any of the procedures relating to student complaints or misconduct, including but not limited to:~~

- ~~a) Failure to obey a verbal or written directive from a college official;~~
- ~~b) Falsification or misrepresentation of information;~~
- ~~c) Disruption, or interference with the orderly conduct, of a proceeding;~~
- ~~d) Interfering with someone else's proper participation in a proceeding;~~
- ~~e) Destroying or altering potential evidence, or attempting to intimidate or otherwise improperly pressure a witness or potential witness;~~
- ~~f) Attempting to influence the impartiality of, or harassing or intimidating, a student conduct committee member; or~~
- ~~g) Failure to comply with any disciplinary sanction(s) imposed under this student conduct code.~~

~~(19)~~(18) **Safety Violation.** Safety violation includes any non-accidental or negligent conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of self or the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems. A safety violation may include the operation of any motor vehicle on college property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person.

~~(20)~~(19) **Violation of other laws and policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, ~~including college traffic and parking rules.~~

~~(21)~~(20) **Ethical violation.** The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.

In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

WAC 132U-125-025 CLASSROOM CONDUCT. Faculty have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

Any instructor has the authority to exclude a student from any single class session during which the student is disruptive to the learning environment. The instructor shall report any such exclusion from the class to the vice president ~~of~~for student services, or designee, who may summarily suspend the student or initiate conduct proceedings as provided in this procedure. The vice president ~~of~~for student services, or designee, may impose a disciplinary probation that restricts the student from the classroom until the student has met with the student conduct officer and

the student agrees to comply with the specific conditions outlined by the student conduct officer for behavior in the classroom. The student may appeal the disciplinary sanction according to the disciplinary appeal procedures.

~~WAC 132U-125-030 TRESPASS. The Vice President or designee(s) shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the movement of persons from facilities owned and/or operated by the college. Any person who disobeys a lawful order given by the vice president, or designee(s), shall be subject to disciplinary action and/or charges of criminal trespass.~~

~~WAC 132U-125-035 DISCIPLINARY SANCTIONS. A primary objective of the disciplinary process is to promote the personal and social development of those students found responsible for misconduct. Charges are investigated and resolved in a forum of candor, civility, and fairness. Disciplinary actions include, but are not limited to, the following sanctions that may be imposed: In keeping with the educational mission of Whatcom Community College, sanctions serve the purpose of educating students about their rights and responsibilities, reinforcing the high standards of scholarship expected of Whatcom students, promoting student development, and maintaining safety and well-being of members of the college community. When appropriate, the college may attempt to resolve issues without formal disciplinary action and may give verbal warnings. When a student takes responsibility for a violation or is determined to have violated the code, the student conduct officer may impose one or more of the following sanctions. This list is not meant to be exhaustive and other sanctions may be applied at the discretion of the student conduct officer.~~

- (1) **Disciplinary warning.** A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.
- (2) **Written reprimand.** Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.
- (3) **Disciplinary probation.** Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation, ~~and which may include a deferred disciplinary sanction. If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time the disciplinary probation, the deferred disciplinary sanction, which may include, but is not limited to, a suspension or a dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation.~~ Probation may be for a ~~limited specific~~ period of time or ~~may be~~ for the duration of the student's ~~attendance enrollment~~ at the college.
- (4) **Disciplinary suspension.** Dismissal from the college and from the student status for a stated period of time. There ~~will may~~ be no refund of tuition or fees for the quarter in which the action is taken.
- (5) **Dismissal.** The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action is taken.
- (6) **Educational Activity.** ~~A student may be required to engage in educational activities related to violation(s). Such activities may include, but are not limited to, attendance at educational programs, community services, project or written assignments, and/or meeting with campus officials.~~
- (5)(7) **Loss of Privileges.** ~~A student may be denied specific privileges on a temporary or permanent basis such as participating in specific activities or restriction from specific areas of campus.~~
- (6) ~~Disciplinary terms and conditions that may be imposed in conjunction with the imposition of a disciplinary sanction include, but are not limited to, the following:~~
- a)(8) **Restitution.** Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceedings. ~~This may take the form of monetary reimbursement, appropriate service, or other compensation.~~
- (9) **Professional Evaluation.** Referral for drug, alcohol, psychological or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of

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practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be conditional upon compliance with the recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until further evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

~~(10) **Administrative No-Contact Order.** An order directing a student to have no contact with a specified student, college employee, a member of the college community, or a particular college facility.~~

~~(11) **Student Housing Relocation.** Students who are living in college-controlled or administered housing may be transferred to alternate college-controlled or administered housing.~~

~~b)(12) **Termination of Student Housing Contract.** A student may be removed from their college-controlled housing and their housing contract terminated.~~

~~(7) **Not in good standing.** A student who is on disciplinary probation may be deemed "not in good standing" with the college. If so the student shall be subject to the following restrictions:~~

- ~~a) Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.~~
- ~~b) Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.~~

WAC 132U-125-040 INITIATION OF DISCIPLINARY ACTION.

- (1) All disciplinary actions will be initiated by the student conduct officer ~~or designee~~ in response to a report filed by any college community member. A complaint should be made in writing to the Office of Student Conduct. Additionally, information received from any source (police report, third party, electronic, etc.) may be considered as a complaint. If that officer is the subject of a complaint initiated by the respondent, the ~~vice president for student services~~ president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complaint.
- ~~(2) The student conduct officer shall initiate disciplinary action by~~ contracting ~~servicing~~ the respondent by telephone, email, or in person to schedule a conduct hearing with written notice directing them to attend a disciplinary meeting. If the respondent is unable to be reached by phone, email or in person, a written notice will be sent by certified mail to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is alleged to have violated, the range of possible sanctions for the alleged violation(s), and specify the time and location of the meeting.
- ~~(2) At the meeting, the student conduct officer will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting~~ after proper service of notice the student conduct officer may take disciplinary action based upon the available information.
- ~~(3) The student conduct officer, prior to taking disciplinary action in a case involving allegations of sexual misconduct, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.~~
- ~~(4) Within ten (10) business days of the initial disciplinary meeting, and~~ After considering the evidence in the case, including any facts or argument presented by the respondent, the student conduct officer shall ~~notify~~ serve the ~~student respondent in writing within ten (10) business days of the decision~~ with a written decision setting forth the facts and conclusions supporting their decision, the specific student conduct code provisions found to have been violated, the ~~discipline~~ sanction imposed (if any), and a notice of any appeal rights with an explanation of the consequences of failing to file a timely appeal.
- (5) The student conduct officer may take any of the following disciplinary actions:

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- a) Exonerate the respondent and terminate the proceedings.
- b) Impose a disciplinary sanction(s), as described in WAC 132U-125-035
- c) Refer the matter directly to the student conduct committee for such disciplinary ~~action~~action, as the committee deems appropriate. Such referral shall be in writing, to the attention of the chair of the student conduct committee, with a copy served on the respondent.

~~(6) In cases involving allegations of sexual misconduct, the student conduct officer, on the same date that a disciplinary decision is serve on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any sanctions and/or conditions imposed upon the respondent for the complainant’s protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of their appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure that prompt notice of the protective sanctions and/or conditions.~~

~~(6) If the student fails to appear at the scheduled meeting without prior notification or evidence of extenuating circumstances, the conduct officer may impose a sanction consistent with the existing evidence, as authorized by this code. In addition, a hold may be placed on the student’s records restricting the student from further enrollment.~~

WAC 132U-125-045 APPEAL FROM DSCIPLINARY ACTION.

- (1) The respondent may appeal a disciplinary action by ~~filling a written notice of~~submitting a written appeal with the conduct review officer within ten (10) business days of ~~hand delivery and/or postmark of the student conduct officer’s decision~~service. Failure to ~~timely file a notice of an~~ appeal ~~on or before the deadline~~ constitutes a waiver of the right to appeal and the ~~student conduct officer’s~~initial decision shall be deemed final.
- (2) The ~~notice of written~~ appeal must include a brief statement explaining why the respondent is seeking review.
- (3) The ~~individuals involved in parties to~~ an appeal shall be the respondent and the conduct review officer.
- (4) A respondent, who timely appeals a disciplinary action or whose case is referred to the student conduct committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.
- (5) On appeal, the college bears the burden of establishing the evidentiary facts underlying the imposition of a ~~disciplinary~~sanction by a preponderance of the evidence.
- (6) ~~Imposition of disciplinary action~~Disciplinary action imposed for violation of the student conduct code shall be ~~stayed pending appeal, unless respondent has been summarily suspended will not begin while an appeal is pending, except summary suspension and any conditions included in a summary suspension.~~

- (7) The student conduct committee shall hear appeals from:
 - a) ~~Disciplinary suspensions in excess of ten (10) business days;~~
 - b) ~~Dismissals; and~~
 - c) ~~Discipline cases referred to the committee by the student conduct officer, the conduct review officer, the president or designee.~~

- ~~(7)~~(8) ~~Student conduct appeals from the imposition of the following disciplinary~~Appeals to the following sanctions shall be reviewed through a brief adjudicative proceedings:
 - a) Suspension of ten (10) business days or less;
 - b) Disciplinary probation;
 - c) Written reprimands; and
 - d) Any conditions or terms imposed in conjunction with one of the ~~foregoing disciplinary actions~~three sanctions listed above.

- (8) The student conduct committee shall hear appeals from:
 - a. ~~The imposition of disciplinary suspensions in excess of ten (10) business days;~~
 - b. ~~Dismissals; and~~
 - c. ~~Discipline cases referred to the committee by the student conduct officer, the conduct review officer, the president or designee.~~

- (9) In cases involving allegations of sexual misconduct, the complainant has the right to appeal the following actions by the student conduct office following the same procedures as set forth above for the respondent:
- a) The dismissal of a sexual misconduct complaint; or
 - b) Any sanctions and/or conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.
- (10) If the respondent files an appeal to a decision imposing sanctions for a sexual misconduct violation, the college shall notify the complainant of the appeal and provide the complainant an opportunity to participate as a party to the appeal
- (11) Except as otherwise specified in this Chapter, a complainant who files an appeal to sanctions or who participates as a party to a respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.
- (9) ~~Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary actions are final action and are not subject to appeal.~~

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~~**WAC 132U-125-050 BRIEF ADJUDICATIVE PROCEEDINGS AUTHORIZED.** This rule is adopted in accordance with RCW 34.05.482 through 34.05.494. Brief adjudicative proceedings shall be used, unless providing otherwise by another rule or determined otherwise in a particular case by the president, or a designee, in regard to:~~

- ~~(1) Parking violations.~~
- ~~(2) Outstanding debts owed by students or employees.~~
- ~~(3) Use of college facilities.~~
- ~~(4) Residency determinations.~~
- ~~(5) Use of library—Fines~~
- ~~(6) Challenges to contents of education records.~~
- ~~(7) Loss of eligibility for participation in institution sponsored athletic events.~~
- ~~(8) Student conduct appeals involving the following disciplinary actions:~~
 - ~~a) Suspension of ten (10) business days or less;~~
 - ~~b) Disciplinary probation;~~
 - ~~c) Written reprimands;~~
 - ~~d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions;~~
 - ~~e) Appeals by a complainant in student disciplinary proceedings involving allegations of sexual misconduct in which the student conduct officer:
 - ~~(i) Dismisses disciplinary proceedings based upon a finding that the allegations of sexual misconduct have no merit; or~~
 - ~~(ii) Issues a verbal warning to respondent.~~~~
- ~~(9) Appeals of decisions regarding mandatory tuition and fee waivers.~~

~~Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt fair resolution of the matter.~~

WAC 132U-125-055 BRIEF ADJUDICATIVE PROCEEDINGS – INITIAL HEARING.

- (1) Brief adjudicative proceedings shall be conducted by a conduct review officer or designee. The conduct review officer shall not participate in any case in which the conduct officer is complainant or witness; ~~has or in which they have~~ direct or personal interest, prejudice, or bias; or ~~has in which they have~~ acted previously in an advisory capacity.
- (2) The parties to a brief adjudicative proceeding are the respondent, the student conduct officer, and the complainant in cases involving sexual misconduct. Before taking action, the conduct review officer shall conduct an informal hearing and provide each ~~person~~ party and opportunity to be informed of the facts as viewed by the college and the initial disciplinary findings. Each party will also have an opportunity to explain their view of the matter.;

- ~~a) An opportunity to be informed of the college's view of the matter and~~
- ~~b) An opportunity to explain the person's view of the matter~~

~~(3)~~ The conduct review officer shall serve an initial decision ~~upon to~~ both the ~~parties-respondent and the student~~ conduct officer within ten (10) business days of consideration of the appeal. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within ten (10) business days of service of the initial decision, the initial decision shall be deemed the final decision.

~~(3)~~(4) In cases involving allegations of sexual misconduct, the conduct review officer, on the same date as the initial decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any sanctions and/or conditions imposed upon the respondent for the complainant's protection. The notice will also inform the complainant of their appeal rights.

~~(4)~~(5) Upon review, if the conduct review officer ~~up review~~ determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten (10) business days or ~~expulsion~~dismissal, the matter shall be referred to the student conduct committee for a disciplinary hearing.

WAC 132U-125-060 BRIEF ADJUDICATIVE PROCEEDINGS – REVIEW OF AN INITIAL DECISION.

- (1) An initial decision is subject to review by the president or designee, provided ~~the respondent a party~~ files a written request for review with the conduct review officer within ten (10) business days of service of the initial decision.
- (2) The president or designee shall not participate in any case in which the ~~president or designees, is they are~~ a complainant or witness; has direct or personal interest, prejudice, or bias; or have acted previously in an advisory capacity.
- (3) During the review, the president or designee shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct committee for a formal adjudicative hearing.
- (4) The decision on review must be in writing and must include a brief statement of the reasons for the decision. ~~and~~The decision must be served on the parties within twenty (20) business days of the initial decision or of the request for review, whichever is later. The decision on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the president or designee does not make a disposition of the matter within twenty (20) business days after the request is submitted.
- ~~(5)~~ If, upon review, the president or designee, upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten (10) business days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

~~(5)~~(6) In cases involving sexual misconduct, the president will, on the same date as the final decision is served to the respondent, serve a written notice to the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. The notice will also inform the complainant of their appeal rights.

~~WAC 132U-125-065 BRIEF ADJUDICATIVE PROCEEDINGS – COLLEGE RECORD. The college record for brief adjudicative proceedings shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or be the reviewing officer for any review. These records shall be maintained as the official record of the proceeding.~~

WAC 132U-125-070 STUDENT CONDUCT COMMITTEE STRUCTURE.

- (1) The student conduct committee shall consist of five members appointed each year:

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- a) Two full-time students appointed by the student government;
 - b) Two faculty members appointed by the ~~president or designee~~ faculty union;
 - c) One administrative staff member (other than an administrator serving as a student conduct or conduct review officer) appointed by the president or designee ~~at the beginning of the academic year.~~
- (2) The administrative staff member shall serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee. The chair shall receive annual training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.
 - (3) Hearings may be heard by a quorum of three members of the committee so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.
 - (4) Members of the student conduct committee shall not participate in any case in which they are in a party, complainant, or witness; ~~in~~ in which they have direct or personal interest, prejudice, or bias; ~~or~~ or in which they have acted previously in an advisory capacity. Any involved party may petition the committee for disqualification of a committee member ~~pursuant to RCW 34.05.425(4).~~

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WAC 132U-125-075 APPEAL – STUDENT CONDUCT COMMITTEE.

- (1) Proceedings of the student conduct committee shall be governed by the Administrative Procedures Act, Chapter 34.05 RCW, ~~and by the Model Rules of Procedure, Chapter 10-08 WAC. To the extent there is a conflict between these rules and Chapter 10-08 WAC, these rules shall control.~~
- (2) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven (7) business days in advance of the hearing date, ~~as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045.~~ The chair may shorten this notice period if both parties agree, and ~~also~~ may continue the hearing to a later time for good cause shown.
- (3) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and form of any discovery, issuance of protective decisions, and similar procedural matters.
- (4) ~~Upon request filed at least five business days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third business day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present to the committee. Any involved party, including the committee chair, may submit a request to submit and exchange lists of potential witnesses and copies of potential exhibits that reasonably expect to be presented to the committee. This request must be submitted to the committee chair at least five (5) business days prior to the hearing. The parties shall exchange the items no later than the third business day prior to the hearing.~~ Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.
- (5) The committee chair may provide to the committee members in advance of the hearings copies of
 - a) The conduct officer's notification of imposition of discipline (or referral to the committee); and
 - b) The notice of appeal (or any response to referral) by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.
- (6) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.
- (7) The student conduct officer, upon request, shall provide reasonable assistance to the respondent in obtaining relevant and admissible evidence that is within the college's control.
- (8) Communications between committee members other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.445.

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- (9) Each party may be accompanied at the hearing by a non-attorney assistant of their choice. A respondent, or complainant in a case involving allegations of sexual misconduct, may elect to be represented by an attorney at ~~his or her~~their own cost, but will be deemed to have waived that right unless, at least four (4) business days before the hearing, written notice of the attorney's identify and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by an assistant attorney general. If the respondent or complainant is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

WAC 132U-125-080 STUDENT CONDUCT COMMITTEE HEARINGS – PRESENTATIONS OF EVIDIENCE.

- (1) Upon the failure of any party to attend or participate in a hearing , the student conduct committee may either:
- Proceed with the hearing and issuance of its decision; or
 - Serve a decision of default in accordance with RCW 34.05.440.
- (2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.
- (3) The chair shall cause the hearing to be recorded by a method that they selects, in accordance with RCW 34.05.449. That recording, or a copy, shall be made available to any party upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by any party. Other recording shall also be permitted, in accordance with WAC 10-08-190.
- (4) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.
- (5) The student conduct officer (unless represented by an assistant attorney general) shall present the case for imposing disciplinary sanctions.
- (6) All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.
- ~~(6)~~(7) In cases involving allegations of sexual misconduct, neither party shall directly question or cross-examine one another. Attorneys from the parties are also prohibited from questioning the opposing party absent express permission from the committee chair. Subject to this exception, all cross-examination questions shall be director to the committee chair, who in their discretion, shall pose the questions on the party's behalf.

WAC 132U-125-085 STUDENT CONDUCT COMMITTEE – INITIAL DECISION.

- (1) At the conclusion of the hearing, the student conduct committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee also may permit each party to propose findings, conclusion, and/or a proposed decision for its consideration.
- (2) Within twenty (20) business days following the later of the conclusion of the hearing or the committee's receipt of closing arguments, the committee shall issue an initial decision in accordance with RCW 34.05.461 and WAC 10-08-210. The initial decision shall include findings on all material issues of fact and conclusion on all material issues of law, ~~including which, if any, provisions of the student conduct code were violated.~~ The decision shall state the related section(s) of the conduct code the respondent is alleged to have violated and if the allegations are sustained. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.
- (3) The committee's initial order shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the student conduct officer, the committee shall identify and impose disciplinary sanction(s) or conditions (if any) as authorized in the student code. If the matter is an appeal by the respondent, the committee may affirm, reverse, or modify the disciplinary sanction and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanction(s) or conditions as authorized herein.

(4) The committee chair shall cause copies of the initial decision to be served on the parties and their legal counsel of record. The committee chair shall also promptly transmit a copy of the decision and the record of the committee's proceedings to the president or designee.

~~(4)(5)~~ In cases involving allegations of sexual misconduct, the chair of the student conduct committee, on the same date as the initial decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. A complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties. The notice will also inform the complainant of their appeal rights.

WAC 132U-125-090 APPEAL FROM STUDENT CONDUCT COMMITTEE INITIAL DECISION.

(1) A respondent, or complainant in a case involving allegations of sexual misconduct, who is aggrieved by the findings or conclusions issued by the student conduct committee may appeal the student conduct committee's initial decision to the president or designee by filing a written notice of appeal with the president's office within ten (10) business days of service of the committee's initial decision. Failure to file a timely appeal constitutes a waiver of the right and the initial decision shall be deemed final.

~~(1)(2)~~ The president or designee shall not participate in any case in which the president or designee is a complainant or witness; has direct or personal interest, prejudice, or bias has or has acted previously in an advisory capacity.

~~(2)(3)~~ The notice of appeal must identify the specific findings of fact and/or conclusions of law in the initial decision that are challenged and must contain argument why the appeal should be granted. If necessary to aid review, the president or designee's may ask for additional briefing from the parties on issues raised on appeal. The review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the notice of appeal.

(4) The president or designee shall provide a written decision to all parties within ~~forty-five~~ twenty (20) business days after receipt of the notice of appeal. The ~~president's~~ president or designee's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.

~~(3)(5)~~ In cases involving allegations of sexual misconduct, the president, on the same date that the final decision is served upon the respondent, shall serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

~~(4)~~ The president or designee may suspend any disciplinary action pending review of the merits of the findings, conclusions, and disciplinary actions imposed.

~~(5)(6)~~ The president or designee shall not engage in an ex parte communication with any of the parties regarding any appeal.

WAC 132U-125-095 SUMMARY SUSPENSION.

(1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.

(2) The student conduct officer may impose a summary suspension if there is probably cause to believe that the respondent:

- a) Has violated any provision of the code of conduct; and
- b) Presents an immediate danger to the health, safety or welfare of members of the college community; or
- c) Poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.

- (3) **Notice.** Any respondent who has been summarily suspended shall be served with oral or written notice of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.
- (4) The written notification shall be entitled "Notice of Summary Suspension" and shall include:
 - a) The reason for imposing the summary suspension, including a description of the conduct giving rise to the summary suspension and reference to the provisions of the student conduct code or the law allegedly violated;
 - b) The date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and
 - c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that ~~they student's~~their privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet as scheduled with the student conduct officer or conduct review officer or to attend a scheduled disciplinary hearing.
- (5) The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension.
 - a) During the summary suspension hearing, the issue before the conduct review officer is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.
 - b) The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.
 - c) If the student fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.
 - d) As soon as practicable following the hearing, the conduct review officer shall issue a written decision which shall include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right to appeal.
 - e) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all person or offices who may be bound or protected by it.
 - e)f) In cases involving allegations of sexual misconduct, the complainant shall be notified that a summary suspension has been imposed on the same day that the summary suspension notice is served on the respondent. The College will also provide the complainant with timely notice of any subsequent changes to the summary suspension order.

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WAC 132U-125-100 SEXUAL MISCONDUCT PROCEEDINGS. Both the respondent and the complainant in cases involving sexual allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decisions.

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DISCIPLINE PROCEDURES FOR CASES INVOLVING ALLEGATIONS OF SEXUAL MISCONDUCT

~~WAC 132U-125-105 SUPPLEMENTAL DEFINITIONS. The following supplemental definitions shall apply for purposes of student conduct code proceedings involving allegations of sexual misconduct by a student:~~

- ~~(1) A "complainant" is an alleged victim of sexual misconduct, as defined in subsection (2) of this section.~~

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- ~~(2) **Sexual misconduct.** The term “sexual misconduct” includes sexual harassment, sexual intimidation, and sexual violence.~~
- ~~(3) **Sexual harassment.** The term “sexual harassment” means unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, electronic communication, social media, or physical conduct of a sexual nature that is sufficiently serious as to deny or limit, and does deny or limit, the ability of a student to participate in or benefit from the college’s educational program or that creates an intimidating, hostile, or offensive environment for other campus community members.~~
- ~~(4) **Sexual intimidation.** The term “sexual intimidation” incorporates the definition of “sexual harassment” and means threatening or emotionally distressing conduct based on sex, including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.~~
- ~~(5) **Sexual violence.** The term “sexual violence” incorporates the definition of “sexual harassment” and means a physical sexual act perpetrated without clear, knowing and voluntary consent, such as committing a sexual act against a person’s will, exceeding the scope of consent, or where the person is incapable of giving consent, including rape, sexual assault, sexual battery, sexual coercion, sexual exploitation, gender or sex-based stalking. The term further includes acts of dating or domestic violence. A person may be incapable of giving consent by reason of age, threat or intimidation, lack of opportunity to object, disability, drug or alcohol consumption, or other cause.~~

~~**WAC 132U-125-110 SUPPLEMENTAL COMPLAINT PROCESS.** The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.~~

- ~~(1) The college’s Title IX compliance officer shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.~~
- ~~(2) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.~~
- ~~(3) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety and welfare of the complainant or other members of the college community or compromising the college’s duty to investigate and process sexual harassment and sexual violence complaints.~~
- ~~(4) The student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.~~
- ~~(5) The student conduct officer, on the same date that a disciplinary decision is served on the respondent, will serve a written notice information the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant’s protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of the complainant’s appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure that prompt notice of the protective disciplinary sanctions and/or conditions.~~

~~**WAC 132U-125-115 SUPPLEMENTAL APPEAL RIGHTS.**~~

- ~~(1) The following actions by the student conduct officer may be appealed by the complainant:
 - ~~a) The dismissal of a sexual misconduct complaint; or~~
 - ~~b) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.~~~~

- ~~(2) A complainant may appeal a disciplinary decision by filing a notice of appeal with the conduct review officer within then (10) business days of service of the notice of the discipline decision provided for WAC 132U-125-110(5). The notice of appeal may include a written statement setting forth the grounds of appeal. Failure to file timely notice of appeal constitutes a waiver of this right and the disciplinary decision shall be deemed final.~~
- ~~(3) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal and provide the complainant an opportunity to intervene as a party to the appeal.~~
- ~~(4) Except as otherwise specified in this supplemental procedure, a complainant who timely appeals a disciplinary decision or who intervenes as a party to respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.~~
- ~~(5) An appeal by a complainant from the following disciplinary actions involving allegations of sexual misconduct against a student shall be handled as a brief adjudicative proceeding:
 - ~~a) Exoneration and dismissal of the proceedings;~~
 - ~~b) A disciplinary warning;~~
 - ~~c) A written reprimand;~~
 - ~~d) Disciplinary probation;~~
 - ~~e) Suspension of ten (10) business days or less; and/or~~
 - ~~f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.~~~~
- ~~(6) An appeal by a complainant from disciplinary action imposing a suspension in excess of ten (10) business days or an expulsion shall be reviewed by the student conduct board.~~
- ~~(7) In proceedings before the student conduct committee, respondent and complainant shall have the right to be accompanied by a non-attorney assistant of their choosing during the appeal process. Complainant may choose to be represented at the hearing by an attorney at the complainant's own expense, but will be deemed to have waived that right unless, at four (4) business days before the hearing, they file a written notice of the attorney's identity and participation with the committee chair, and with copies to the respondent and the student conduct officer.~~
- ~~(8) In proceedings before the student conduct committee, complainant and respondent shall not directly question or cross examine one another. All questions shall be directed to the committee chair, who will act as an intermediary and pose questions on the parties' behalf.~~
- ~~(9) Student conduct hearings involving sexual misconduct allegations shall be closed to the public unless respondent and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, respondent and their respective non-attorney assistants and/or attorneys may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct committee.~~
- ~~(10) The chair of the student conduct committee, on the same date as the initial decision is served on the respondent, will serve a written notice upon complainant information the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. The notice will also inform the complainant of the complainant's appeal rights.~~
- ~~(11) Complainant may appeal the student conduct committee's initial decision to the president or designee, subject to the same procedures and deadlines applicable to other parties.~~
- ~~(12) The president or designee, on the same date that the final decision is served upon the respondent, shall serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.~~

STUDENT COMPLAINS

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~~WAC 132U-125-130 PURPOSE. Whatcom Community College is committed to providing quality service to students, including providing accessible services, accurate information, and equitable and fair application of policies and procedures, including evaluation of class performance, grading, and rules and regulations for student participation in college activities and student conduct. The college procedures pertaining to student complaints are delineated in the Whatcom Community College policy and procedure manual and published on the college website.~~

Whatcom

COMMUNITY COLLEGE

Reports to the Board of Trustees October 11, 2017 Meeting

➤ **ASWCC—Lauren Besthoff, President**

- **ASWCC 2017/2018 Work Plan**
 - Executive Board is finalizing our goals to present to senate on 10/09/2017. With the senate's approval, student government will present goals to President's Cabinet and Board of Trustees.
- **ASWCC Executive Vice President**
 - 250 applications have been handed out for the nine open senator positions. Group interviews are scheduled for 10/02/2017 and the first senate meeting of the year will take place 10/09/2017.
- **ASWCC VP of Campus Advocacy:**
 - Food Pantry: 1st weigh in of the quarter yielded 29lbs of Food.
 - On September 22nd The Associated Students of Skagit Valley Community College, reached out to us in hopes of starting their own food pantry. In connection with wanting to build student engagement and promoting healthy competition between Skagit Valley Community College and Whatcom Community College, the ASWCC is planning a, "Food Fight" to see who can raise the most food for their pantries. In addition, we're also planning on promoting Orca Athletics, by hosting this event during our team's basketball games on January 17th.
- **ASWCC VP of Clubs**
 - Club officer training is under way. This is an important part of chartering clubs here at Whatcom Community College, and building the campus community. Chartered clubs will be present at the club fair, plans are underway for this event, early fall quarter.
- **ASWCC VP of Operations**
 - The Bylaws Committee has convened and edited the current bylaws. The VP of Operations and the ASWCC President plan to meet with the VP of Student Services, Dr. Luca Lewis, to review the bylaws as they stand and present them to the senate on 10/09/2017.
 - Volunteer Orientation took place on 09/28/2017. 53 Students showed up to learn more about service learning opportunities. Students who couldn't make it to that meeting showed up earlier in the week, to meet one on one and get more information on the program.
- **ASWCC VP of Social and Educational Programming**
 - Chairs the Programming and Diversity Board (PDB) and with that partnership put on a successful Welcome Back BBQ for the campus community.
 - PDB, in partnership with the Executive Board, are putting on a Conference on October 7th called, Catch the Next Wave. The conference is designed to highlight and showcase student leaders across campus and promote

opportunities for students to plug in and participate in different areas of leadership across campus.

- PDB is in the process of planning a joint movie night with Bellingham Technical College. Date TBD. BTC will be covering the cost of the movie rights and we will be covering the cost of marketing and hosting.

➔ **Administrative Services—Nate Langstraat, Vice President**

- **Finance** (*Goal 5.1 Create and manage growth through fiscal, capital, technological and human resource development*)
 - Work has begun on the development of the new Indirect Cost Agreement with the Department of Education. Business Office staff are working with a consultant to ensure that the College can claim sufficient administrative overhead from the increasing amount of federal grant dollars the College continues to receive.
- **Facilities & Operations** (*5.1: Create and manage growth through fiscal, capital, technological and human resource development*)
 - A Request for Qualifications (RFQ) is being developed for the selection of the design and construction team for the student housing project. Whatcom will be utilizing the progressive design-build delivery method for this project and we hope to have the team selected and under contract by early 2018.
 - New outdoor signage has been installed at Heiner Center, Baker Hall and Syre Student Center.
- **Conference & Event Services** (*3.1 Increase College Stature as a community and educational partner*)
 - Conference & Event Services (CES) will support the following internal events, WCC 50th Anniversary Celebration, Cybersecurity Center Dedication Ceremony, Indigenous Peoples Day, Safety Week, Archeology Fair, and The Equity Project.
 - In addition to the external clients reported previously, CES looks forward to welcoming the Clan Heather Dancers back to campus.
- **Emergency Preparedness, Safety & Security** (*5.3: Promote a safe environment for teaching, learning, and working*)
 - Staff conducted three presentations during opening week including introduction and overview of campus safety and security; emergency preparedness; and preparing and responding to active threats.
- **Bookstore** (*Goal 5.1 Create and manage growth through fiscal, capital, technological and human*)
 - With assistance from the college's IT and Facilities staff, The Bay opened in the WCC Student Recreation Center. Sportswear and college insignia merchandise are available at the Bay and have been well received. A grand opening sale generated new traffic and future repeat customers.
 - Textbook rental sales were very strong in September. Through its new partnership with the country's largest used textbook wholesale company, the Bookstore expanded individual title offerings and rented over 1000 books (highest number ever). Students shared very positive feedback about the program, particularly the 40-60% savings offered through the Bookstore's revamped rental program.
- **Technology** (*5.1 Create and manage growth through fiscal, capital, technological and human resource development*)

- Improvements were made to the process of student network accounts. Students now receive limited access when they apply for admission, which enables them to logon to MyWCC and take placements tests. This improvement helps to support the new ALEKS math placement program.

➤ **Student Services—Luca Lewis, Vice President**

- **Student Life and Development** (*1.4 Introduce new opportunities for student learning and engagement*)
 - ASWCC Welcome Back BBQ was held in the Syre Courtyard on September 21st. Over 560 people checked in for this event. The ASWCC Executive Board distributed around 100 student senator applications, and have distributed roughly 250 applications total. The Programming and Diversity Board tabled held voting to name the new orca. The Orca spirit was abundant among students, faculty, and staff.
 - Student Life and Development hosted a Community Resource Fair on Wednesday, September 27. Both on and off campus organizations were in attendance, including; Whatcom Human Rights Task Force, Costco, Orca Food Pantry, and Habitat for Humanity. The tables provided information about the organization and how they serve the community, information for people that were interested in volunteer, as well as free samples and prizes.
 - The ASWCC Volunteer Program was created to build connections, and stronger student community service and engage with people from different backgrounds and societies. Approximately 56 people attendance the first volunteer orientation on September 28, 2017.
 - In the month of September the Student Ambassador team completed three weeks of training on office procedures, customer service and the customer experience, campus tour training and practice, and more. The group served as Pod Leaders at the Whatcom Wave New Student Orientation session and were tasked with building community among their pod, leading interactive campus tours, and serving as resources and friendly aces for new students. In addition, the Student Ambassadors printed over 1,300 Orca cards and hosted a “Late Night ID” session from 6:00pm-8:00pm on September 27 and 29 for students in ABE and students with non-traditional schedules to get their Orca cards.
- **K-12 Partnerships** (*1.2 Increase academic support for students, 1.3 Increase access for diverse and nontraditional student populations, 1.4 Introduce new opportunities for student learning and engagement*)
 - Running Start saw over 1070 students during the summer. This was a continuation of registration, class changes, admissions, advising, and troubleshooting for new and continuing students.
 - From January through September 2017, Running Start staff hosted 19 information sessions where more than 1000 students and parents attended. This resulted in 674 applications.
 - K-12 Partnerships staff served as a keynote speaker at Blaine High School to kick off their yearlong curriculum around college navigation.

- Members of K-12 Partnerships supported the Equity Project and other services and programming in direct support of students from systemically non-dominant groups through Opening Week presentations and speaker engagements.
- **Entry Services** (*1.1 Increase student achievement in transfer and career preparation. 2.5 Increase professional development opportunities for faculty and staff*)
 - Registration awarded credit for 569 tech prep classes, compared to 50 tech prep classes for 2016.
 - Entry Services gave four presentations during opening week to nearly 100 employees and students. These presentations covered the Family Education Rights & Privacy law (FERPA), registration, enrollment, and instructor briefcase.
- **Academic Advising and Career Services** (*1.1 Increase student achievement in transfer and career preparation. 1.2 Increase academic support for students*)
 - Starting in 2017, Whatcom allowed new-for-fall student to register in late spring. Historically, these students were required to wait until the third week of July.
- **Financial Aid** (*1.1 Increase student achievement in transfer and career preparation. 1.3 Increase access for diverse and nontraditional student populations. 4.3 Increase access for underrepresented populations*)
 - Financial Aid awarded 184 Emergency Scholarships to students that needed assistance to help provide books, required supplies, and other emergency financial circumstances.
 - For Fall 2017, 2009 students were awarded financial aid.
 - Of the 2016-17 Pell Grant Recipients, 61% are first generation college students.
- **Student Success and Retention** (*1.1 Increase student achievement in transfer and career preparation. 1.2 Increase academic support for students, 2.5 Increase professional development opportunities for faculty and staff*)
 - Student Success and Retention developed new learning outcomes for Whatcom Wave New Student Orientation. These outcomes are:
 - Developing a sense of belonging through social connection, and
 - Students being able to identify and utilize campus resources to aid their success.
 - Preliminary attendance for the six Whatcom Wave New Student Orientations is at 641 students.
 - There were 89 parents/guardian/friends/supporters that attended and participated in orientation. Of the 89 who participated, 77% were affiliated with Running Start students.
 - Student Success and Retention is currently in the process of compiling and analyzing student survey data to assess outcomes and identify ways to improve the student experience.
- **Access and Disability Services** (*1.3 Increase access for diverse and nontraditional student populations*)
 - As of September 26, 2017 Access and Disability Services already have 370 students. This number typically increases as the quarter progresses. ADS is on track to overtake last year Fall Quarter caseload of 369 at the end of Fall 2016.

- Letters of Accommodation were requested and received by 203 students.

The new accessible information management software (AIM) was purchased and is waiting implementation.

➤ **Instruction—Ed Harri, Vice President**

- **International Programs:** *(3.5 Improve recruitment and retention of diverse students, faculty, staff, and administrators; 4.1 Offer programs, services, and facilities that support college needs and market demands; 4.2 Increase college enrollment and secure resources for the continued viability of the College.)*
 - Whatcom’s Study Abroad program has a record 16 WCC students studying in Scotland, Costa Rica, Spain, and Japan. There is already strong interest for the winter 2018 study abroad program in Australia and New Zealand.
- **STEM Division:** *(2.5 Cultivate community awareness and support for the College, 4.1 Offer programs, services, and facilities that support college needs and market demands.)*
 - October is I ♥ STEM month and the STEM Division is celebrating with a variety of events. On October 5, WCC will host the Chuckanut Radio Hour, featuring Dr. Nathalia Holt, author of “Rise of the Rocket Girls.” Prior to the event, displays in the Heiner lobby will highlight several Whatcom programs including 3D printing, the 50th element celebrating WCC's 50 years, cyber security, engineering, student work, and scholarship opportunities. On October 17, Whatcom will present a screening of a TED Talk on PBS: “Science & Wonder” at the Pickford Film Center.
- **Workforce Programs:** *(1.3 Promote student access through quality services and resources, 2.6 Engage with business and industry to strengthen regional economic development, 4.1 Offer programs, services, and facilities that support college needs and market demands)*
 - Based on excellent results over the past several years, WCC was again awarded a contract (\$200,000) with the Washington State Department of Early Learning to provide statewide training on correct childcare subsidy billing. WCC provides training to childcare providers in a variety of modalities and languages. Last year 2,427 childcare providers completed the training; 199 sessions were offered, including some in Spanish, Somali and Russian. During the previous year (2015-16), 1,750 providers were trained. The longer the program is offered, the more Whatcom is viewed as a statewide resource for educating childcare providers.
 - Cybersecurity grants staff submitted a proposal to the National Science Foundation (NSF) Advanced Technological Education (ATE) division for \$600,000 to extend our efforts through 2021 as a national resource center in cybersecurity education. If funded, the CyberWatch West Resource Center project will maintain Whatcom’s national leadership in this field. The four key goals of the project include: 1) Expand participation in the National Centers of Academic Excellence (CAE) program through mentor/mentee training; 2) Disseminate higher education cybersecurity curriculum resources; 3) Expand partnerships regionally and nationwide through industry networking events; and 4) Share faculty mentoring and student development resources.

➤ **Institutional Advancement – Sue Cole, Executive Director**

- **Foundation 5.2.1 – Increase external revenue sources through grants and Foundation fundraising.**
 - **Fundraising Update:**
 - Draft reports show that we received 9 gifts and pledges totaling \$5,842 for the month of September. Fiscal year to date as of September 25, 2017, we have received \$23,677 in gifts and pledges.
 - **Foundation News:**
 - The Foundation welcomed four new Board members: Carolyn Simpson Scott, retired physician; Sandra Hughes, HR Director, Alcoa; Josh Summers, Community Affairs Director, Phillips 66; and Beverly Jacobs, Cordata Neighborhood Association board member.
- **Community Affairs 5.2.1 – Increase external revenue sources through grants and Foundation fundraising. 3.1 Increase College stature as a community and educational partner; 3.3 Be an active partner in economic development**
 - The Foundation will receive approximately \$1,850, or 2% of gross sales from all Community Food Coop locations, from the Coop's September 16th Community Shopping Day. Funds will benefit the Orca Food Pantry.
 - The College was represented at Team Whatcom economic development group, BP Community Day, Bellingham International Airport Advisory Commission, and Whatcom Business Alliance youth engagement program.
- **Communications, Marketing and Publications 3.1 – Increase College stature as a community and educational partner.**
 - College marketing, publication, advertising highlights
 - Events: WCC will celebrate "I ♥ STEM Month" in partnership with instruction and student services in October. Highlights include Oct. 5 Chuckanut Radio Hour with author Nathalia Holt and screening of the TED Talks on PBS film "Science & Wonder" at Pickford Film Center on Oct. 17.
 - Press Releases/Media Outreach and Resulting Media Coverage. Find college news at
 - [Whatcom celebrates excellence in science, technology, engineering and math with October events](#), BBJ Today, Sponsored Content, 9/26/17
 - [Whatcom Community College Celebrates Excellence in STEM](#), Whatcom Talk, 9/25/17
 - [Why Digital Marketing Firm Intellitonic Calls Bellingham Home](#), Whatcom Talk, 9/21/17
 - [How to handle grief in the workplace \(Community Ed class\)](#), King 5 / New Day, 9/21/17
 - [Alcoa Foundation awards Whatcom Community College \\$25K engineering grant](#), The Chamber, 9/20/17
 - [Chuck Robinson's Bike Ride for Charity Rolls Along](#), American Booksellers Association, 9/20/17
 - [Local grads in big roles for Whatcom CC](#), Lynden Tribune, 9/12/17
 - [New faces all over for Meridian girls soccer](#), Lynden Tribune, 9/6/17